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PENAL CODE OF IRAN

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PENAL CODE OF IRAN

[Following is the translation of the French-language Code Pénal (Penal Code) of Iran, Second Edition, 1307-1928, Teheran, pages 1-47 and 50-92.]

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PENAL CODE

PART I

GENERALITIES

(Law passed on 23 Day 1304)

CHAPTER I

GENERAL PROVISIONS

Art. 1. - Penalties edicted by the present Code are prescribed from the viewpoint of the general security of the Country, and will be applied by the Courts of Justice.

Infractions which would be determined and prosecuted in conformity with the provisions of the Islamic Law will be punished in accordance with the said Law.

Art. 2. - No action will be considered as an infraction except those which are acknowledged as such by the Law.

Art. 3 - The offender will have to restitute the possessions that he has acquired by infraction (such as stolen objects and others).

If the said possession no longer exists in nature, he will have to restitute its price or equivalent.

At any rate he will have to pay for the damages that he has caused.

Art. 4. - If, as a result of prosecution, the offender becomes indebted to the State, the restitution of possessions, the payment of damages, and the payment of everything that is due to the civil party will have a precedence.

Art. 5 - In any penal action, the Court must, in the judgment issued about the infraction or after the judgment, make a special decision concerning both the objects which served as exhibits and those which have been acquired by the infraction, or served to commit it, or were designed for that purpose. The Court must state whether these objects will have to be restituted, confiscated or destroyed.

Art. 6. - The penalty must be decided in conformity with a Law edicted before the infraction has been committed. Thus no action may

be punished as infraction on the basis of a law edicted after that action was committed. However, once an infraction was committed, if a law mitigating or abolishing the penalty is edicted, it will be applicable even to infractions committed previously.

CHAPTER II.

VARIOUS TYPES OF INFRACTIONS AND PENALTIES

Art. 7. - According to the greater or lesser importance of penalties, infractions are divided into four categories:

- 1) Crimes;
- 2) Major offences
- 3) Minor offences
- 4) Minor infractions.

Art. 8. - The following penalties are prescribed for crimes:

- 1) Death
- 2) Forced labor for life
- 3) Forced labor for time
- 4) Solitary Confinement
- 5) Exile
- 6) Loss of civil rights.

Art. 9. - The following penalties are prescribed for major offences:

- 1) Imprisonment of more than one month
- 2) Compulsory stay in a determined locality or defence of staying in one or several determined localities
- 3) Loss of certain civil rights
- 4) Fine, if it is passed as the main penalty.

Art. 10. - The following penalties are prescribed for minor offences:

- 1) Imprisonment of more than one week but no more than one month
- 2) Fine from five tomans and one kran up to fifty tomans.

Art. 11. - The following penalties are prescribed for minor infractions:

- 1) Imprisonment of twenty-four hours to one week
- 2) Fine of up to five tomans.

Art. 12. - The duration of the penalty of forced labor for time may not be less than three years nor more than fifteen years.

The duration of solitary confinement will be two to ten years.

The duration of exile may not be less than three years nor more than fifteen years.

The duration of imprisonment will be eight days to three years.

Art. 13. - Forced labor executed by convicts sentenced to this penalty must be public utility works.

Art. 14. - Persons exiled inside the country must be lead under escort to the place indicated by the Court. They will be there under police supervision.

In case of an exile abroad, the convict must be lead under escort to the frontier of the country and there expelled from the Country.

Art. 15. - The loss of civil rights includes the following consequences:

- 1) Loss of the right to be a civil servant of the State and to wear decorations;
- 2) Loss of the right to vote, to participate in elections, and to be elected, both for the legislative assemblies and for public institutions and councils such as the general Gubernatorial councils, provincial councils, municipal councils, and others;
- 3) Loss of the right to be a member of a jury, director or professor in a school, journalist, expert, arbiter or witness.

Art. 16. - The duration of a compulsory stay or the interdiction of stay may not be less than a month nor more than three years.

Persons sentenced to these two penalties will go without escort to the locality where they are not interdicted to stay or where they are forced to stay, and they will remain there without police supervision.

Art. 17. - The duration of any penalty of loss of freedom counts from the day when the convict is kept prisoner on the basis of a final sentence.

However, in case of a preventive detention, the duration of that detention will be deducted from the duration of the above mentioned penalty.

Art. 18. - The formalities of the execution of judgments or sentences passed in repressive matters as well as the provisions concerning forced labor establishments and prisons will be those prescribed by the law on the execution of sentences passed in penal matters and by the regulations pertaining to prisons.

CHAPTER III.

ACCESSORY PENALTIES

Art. 19. - The accessory penalties are as follows:

- 1) The loss of rights mentionned in article 15. In addition to the penalty prescribed by the present Code, the Courts of summary justice may sentence the prisoner to the loss of some of the above mentioned rights;
- 2) Interdiction of stay;
- 3) Compulsory stay in a determined locality.

Any sentence for crime entails also the loss of civil rights.

CHAPTER IV.

ATTEMPTED OFFENCES

Art. 20. - Whoever will have undertaken the execution of a crime with the intention of committing it, but, as the result of circumstances independent from his will, will have to suspend this execution or will have failed to achieve his aim and thus will not have committed the projected crime, will be punished with the minimum penalty prescribed for the crime. If the crime is punished with death penalty, the author of the attempt will be sentenced to forced labor for time.

Art. 21. - The intention only to commit a crime and the beginning of the preparation for the crime do not constitute an attempted offence.

Art. 22. - An author of a criminal attempt who, by his own decision, will have renounced to commit the crime, will not be punished for the projected crime. But if his actions constitute by themselves an infraction, he will be punished with the penalty prescribed for

this infraction.

Art. 23. Attempted offences are only punishable in cases formally prescribed by the law.

CHAPTER V.

REPEATED OFFENCES

Art. 24. - Provisions concerning repeated offences are applicable to the following persons:

- 1) A person who has been sentenced by a final sentence with a criminal penalty, and has committed a new crime;
- 2) A person who has been sentenced by a final sentence to more than one month imprisonment, and was found guilty of a major offence or a crime within five years from the expiration of the original penalty or its prescription;
- 3) A person who has been sentenced for an offence or crime to a penalty of at least one year imprisonment, and who is found guilty of an infraction similar to the original infraction and committed within five years of the original sentence.

Theft, embezzlement of public funds, and breach of trust are considered as similar infractions from the viewpoint of repeated offences.

Art. 25. - In case of repeated offences provided in the preceding article, the Court may pass a penalty exceeding the maximum penalty prescribed for the infraction, but without exceeding the double of that maximum.

Art. 26. - Provisions pertaining to repeated offences are not applicable to persons sentenced for political crimes or offences.

CHAPTER VI.

CO-AUTHORS AND ACCESSORIES

Art. 27. - When several persons commit the same infraction in such a way that each one is found to be its author, they are all punished with the penalty prescribed for the author.

If each one commits only a part of the infraction, in such a way that these persons together are found to be its authors, they will be considered as co-authors and punished individually with the minimum penalty prescribed for the author.

If, however, for some co-authors, there are personal circumstances which modify, insofar as they are concerned, the nature of the infraction or the character of the penalty, the effects of these circumstances are not to be extended to the other co-authors.

Art. 28. - The following persons are accessories of an infraction:

- 1) Those who instigated an act from which the infraction resulted, if this act took place as the result of this instigation;
- 2) Those who agreed to commit the infraction, if it took place as the result of this agreement;
- 3) Those who knowingly have helped the author of the infraction, either insofar as the preparation of tools and means serving the infraction is concerned, or by facilitating the execution of the infraction, or in any other way.

Art. 29. - According to the circumstances, the Court may sentence the accessories to the penalty provided for the co-author, or lower this penalty by one or two degrees.

Art. 30. - Personal circumstances pertaining to the main author and apt to modify the nature of the infraction or aggravate or lighten the penalty do not have any effect with reference to the accessories.

Similarly, if the author of the infraction is exempted from any penalty for a legal reason, this exemption has no effect with reference to the accessories.

CHAPTER VII.

PLURALITY OF INFRACTIONS

Art. 31. - When a single action constitutes several infractions, the applied penalty will be the one corresponding to the infraction which entails the strongest penalty.

Art. 32. Several infractions committed for the same purpose, connected one to another, either in a manner whereby one constitutes a preparation for another, or a part of another, or in a manner whereby they are indivisible, are considered to form one single infraction and are punishable with the penalty provided for the most serious of them.

Art. 33. - When a person committed the same infraction several

times without having been sentenced, this person will not be punished separately for each of these infractions, but the Court will deliver the maximum penalty.

CHAPTER VIII.

CONDITIONS AND PREVENTIONS OF THE APPLICATION OF PENALTIES

Art. 34. - Children without understanding cannot be subject to penal sentences. In penal matters, any child under twelve years of age is assumed to have acted without understanding.

Minor children who committed an infraction with understanding must be entrusted to their parents or tutors. The latter must pledge that they will correct them, educate them, and take care to raise their moral standards.

Art. 35. - When minor children fifteen years old act with understanding and are found guilty of an offence or a crime, they are sentenced only to receive a horse-whipping of ten to fifty strikes, but no more than ten may be administered in one day or no more than fifteen during two successive days.

Art. 36. - When persons of age more than fifteen years old but less than eighteen years old are found guilty of a crime, they are imprisoned in a correction house for no more than five years. If they are guilty only of an offence, the penalty passed may not be less than half of the minimum and more than half of the maximum of the penalty provided for that offence.

Art. 37. - When the individuals mentioned in the preceding article commit an infraction, they are judged by the court of summary justice, even if the infraction constitutes a crime, unless they have accessories or co-authors who, because of their age, should be judged by the criminal court, in which case they are judged in that court also.

Art. 38. - Provisions concerning repeated offences and provided in chapter V of this part, are not applicable to children nor to persons mentioned in the preceding articles.

Art. 39. - If the court cannot determine the exact age of the offender, the apparent age will serve as basis for the sentence.

Art. 40. A person afflicted with insanity or mental deficiency at the time of committing the infraction cannot be considered as an

offender nor be punished. But if the state of insanity persists, such a person will be put in a mental hospital.

Art. 41. - A person who commits an infraction as a result of a necessity to protect his life or to defend himself or his family from a criminal assault may not be punished (see Part III, Chapter I of the present Code).

The same is true for a person who commits an infraction under duress and against his will, without being able to avoid it, except in the case of homicide, when the penalty is mitigated by three degrees.

Art. 42. - The action carried out by civil servants does not constitute an infraction in the following cases:

- 1) If the action was performed in order to execute an order that had to be obeyed by the civil servant according to the law and was given by a superior legally entitled to do so;
- 2) If the execution of the action was necessary to implement a law.

CHAPTER IX

MITIGATION OF PENALTIES, SUSPENDED PENALTIES, EXTINCTION AND SUBSTITUTION OF PENALTIES

Art. 43. - No crime or offence may be excused, or the corresponding penalty mitigated, unless the law provides that the action is excusable or authorizes a mitigation of the penalty.

Art. 44. - When, according to the present law, circumstances authorize in criminal matters a mitigation of the penalties, the latter may be reduced by the Court and replaced as follows:

- 1) Death penalty by forced labor for life or for time;
- 2) Forced labor for life by forced labor for time or by solitary confinement;
- 3) Forced labor for time by solitary confinement or by imprisonment of no less than two years;
- 4) Solitary confinement by imprisonment of no less than six months;
- 5) Exile by forced stay in a specific place or the interdiction to stay in one or several determined places;
- 6) Loss of all civil rights by the loss of some of them.

Art. 45. When, in matters of minor offences, there are extenua-

ting circumstances, the court may reduce the duration of imprisonment to eight days, or replace this penalty by a fine.

Art. 46. - The death penalty and forced labor will not be passed with reference to men older than sixty years of age nor with reference to women in general. In their case these penalties will be replaced by solitary confinement, except when the sentence punishes a willful homicide.

Art. 47. - In matters of minor offences, if the accused, on the basis of the present law, is sentenced to imprisonment without having been previously sentenced for crime or offence, the court may order, in view of his behavior, his condition and other reasons, that the execution of the penalty be suspended.

Art. 48. - If, within five years after the day on which the sentence became final, the convict has not been sentenced again for a crime or an offence resulting in imprisonment or a more severe penalty, the original penalty will be cancelled. But if, within this period of time, he commits a crime or an offence and is sentenced to a final penalty, the original penalty will be also executed.

Art. 49. - The suspension of the execution of the penalty will result in the suspension of effects entailed by this penalty, but will not cancel the payment of the expenses of the trial and the damages.

Art. 50. - After pronouncing the suspension of penalty, the presiding judge of the court must warn the convict that, in case of a sentencing for a new crime or offence, the first penalty will be also executed, and that the penalties for repeated offences, provided by the present law, will be applied to him.

Art. 51. - If the infraction committed by someone has not been prosecuted within one year in case of minor infractions, three years in matters of minor offences, and ten years in matters of criminal offences, the offender may not be prosecuted any more.

If a started prosecution has been stopped for any reason, and the above mentioned periods of time have elapsed, this prosecution may not be resumed.

The above mentioned time limits are counted from the day on which the infraction was committed in the first case, and from the last action of prosecution in the second case.

Art. 52. - If the prosecution took place, and the sentence was

passed but not executed, it will not be executed after a period of two years in the case of minor infractions, five years in the case of minor offences, and fifteen years in the case of criminal matters, after the date of the sentence. But the consequences of the sentence, such as the loss of rights, will continue.

Art. 53. - Persons sentenced to imprisonment, solitary confinement, or forced labor, whether for life or for time, will be employed in work of public utility or other type of work, whether inside or outside of prisons.

One part of the product of this work, or wages paid for it, will be allocated to persons who were supported by the convicts and who were left without means of support as the result of the sentence. Another part will be kept for the convicts themselves and will be given to them at the time of their discharge.

The determination of the ratio of the above mentioned parts relatively to each category of convicts, as well as the designation of work at which each category is to be employed, will be implemented on the basis of regulations prepared by the ministries of Justice and Interior, working in agreement.

In the case of persons sentenced to the solitary confinement or imprisonment, work is optional, provided that their family has a support.

As long as the regulations provided in this article are not prepared, the determination of ratios and the designation of type of work will be carried out by the court itself.

The regulations provided by this article must also provide for means permitting the convicts to get into contact with their family once per month.

CHAPTER X.

WAYS OF PREVENTING SENTENCES OR STOPPING THEIR EFFECTS.

Section I

Amnesty

Art. 54. - Political offences and crimes without exception, and common law offences and crimes committed during political disorders, may be amnestied. But in each case the amnesty must be authorized by a special law.

Section II

Pardons and commutation of penalties.

Art. 55. - In political matters, on the request of the Minister of Justice and with the agreement of the Premier, the King may grant a full or partial pardon to persons convicted by a final sentence of the competent court. In matters of common law, he may also commute death penalty to forced labor, reduce other penalties by one degree, or write off up to one fourth of the penalty.

Section III

Rehabilitation

Art. 56. - Any final sentence or judgment of an accused person will be registered in his judiciary record.

Art. 57. - Any person sentenced to imprisonment and who has not been sentenced within five years after the expiration of his penalty will be rehabilitated and his preceding sentence will be removed from his judiciary record.

Art. 58. - The same is true for persons convicted for crimes, provided that they have not been subject of a new penal sentence within ten years after the expiration of their penalty.

Art. 59. - If, within one year after the expiration of their penalty, persons sentenced to imprisonment for political offences are not subjects of a new penal sentence, they will be rehabilitated and their sentence will be removed from their judiciary record.

The time limit becomes five years, starting with the same date, for persons sentenced for a political crime.

PART II

CRIMES AND OFFENCES AGAINST THE PUBLIC INTEREST

CHAPTER I.

CRIMES AND OFFENCES AGAINST THE SECURITY OF THE STATE

Section I.

Crimes and offences against the exterior security of the State.

Art. 60. - Any individual who will carry arms against Iran, alone or with other ennemis of the State, will be punished with death.

Art. 61. - Whoever engages in intrigues, or enters in intelligence with foreign powers or their agents, for the purpose of inciting them to commit hostile actions, or undertake the war, against Iran, or for the purpose of helping them in this undertaking by any means, will be punished with death.

In case that these steps are not followed with results, the accused person will be punished with forced labor of seven to fifteen years.

Art. 62. - The death penalty will be also applied to anyone who will prepare the means facilitating the entry of the ennemis of the State in the Iranian territory, or its possessions, or will help them in this undertaking, or will deliver to them towns, forts, military places and stations, ports, warehouses, arsenals, ships or boats belonging to the State, or will have assured them their possession, or will supply the enemies with help in soldiers, money, food, weapons, munitions or men, or will prepare the success of the ennemy by land, sea or air means to be used within the Country, or will undermine the loyalty of officers, soldiers, or other persons toward the Country, or will help the enemy by any other devices and ruses.

Art. 63. - Solitary confinement of two to ten years will be applied to anyone who keeps correspondence with the subjects of a power engaged in hostilities against Iran, if this correspondence does not have for purpose one of the crimes mentioned in the preceding article, but if it contains for the ennemy harmful indications concerning the military or political situation of Iran, or gives to the enemy some profits of this nature.

In case that these indications result from a conspiracy or espionage, the accused person will be punished with death.

Art. 64. - The death penalty will be applied to any civil servant, agent of the Government, or any other individual who, on account of his functions or other official reasons, is familiar with secret negotiations or correspondence of the State, or with secret decisions related to the movement of the armies, and who discloses this secret information to agents of a foreign power.

Art. 65. - The death penalty will be applied to any civil servant or any other individual who, on account of his functions, is in charge of the conservation of plans, such as plans of fortifications, arsenals, ports, etc., and who communicates these plans, fully or partly, to the enemy or to agents of the enemy.

He will be punished with a solitary confinement of two to ten years if he communicates these plans, without the authorization of the Government, to the agents of a neutral or allied foreign power.

Art. 66. - The death penalty will be applied to anyone who conceals or causes to conceal foreign spies or soldiers sent in reconnaissance, and knows them for such.

Art. 67. - Any civil servant, or any other person who, in any way, will have communicated to a non-qualified person the plans or the secrets relative to the domestic or foreign policy of the State, or will have revealed in any manner these plans or secrets, or, in general, will have engaged in espionage, will be punished with solitary confinement of two to ten years, or with three to fifteen years of forced labor, according to the circumstances of the crime.

Art. 68. - Any person who, in the intention of committing a theft or copying plans, or collecting information concerning political or military secrets, will have penetrated into a place, openly or in a disguise, in order to be able to commit these crimes, will be punished with a solitary confinement of two to five years, and a fine of two hundred to thousand tomans.

The same penalties will be applied to persons who are caught while taking photographs or making plans of fortifications without an authorization of the military authorities.

Section II

Offences and crimes against the internal security of the State

Art. 69. - Whoever formally incites the inhabitants of the Country to arm against the Government established according to the national sovereignty, will be punished with three to five years of solitary confinement.

If the incitement has no results, the penalty will be six months to three years of imprisonment.

Art. 70. The death penalty will be applied to whoever incites the inhabitants to start civil war in one or several areas, if this results in someone's death.

If the result of the incitement was only plunder, the penalty will be three to five years of forced labor.

The penalty will be exile, if the incitement had no effects.

An individual at the head of gangs or groups committing crimes discussed in the present article and in the preceding article, will be punished with the same penalty as the person guilty of incitement.

Art. 71. - If one of the crimes mentioned in the two preceding articles is executed or only attempted by a group or a crowd, the individuals who compose this group or crowd but do not direct it or incite it, and are caught on the spot of the seditious movement, will be punished with imprisonment of one year to three years.

They will be punished with six months to three year imprisonment if they are arrested somewhere else.

Art. 72.-The conspiracy aiming at crimes mentioned in article 70 is punished with one to three years imprisonment.

If the conspirators have not definitely formed the conspiracy and have not executed any action, the penalty to apply to them will be three months to one year imprisonment.

Whoever proposes to form a conspiracy, without having his proposal accepted, will be punished with one to six months imprisonment.

Art. 73. - Any person who, knowingly and with a harmful intention and treason, burns or destroys armories, arsenals, ships or public buildings containing documents or registers belonging to the State, will be punished with the death penalty.

If that person burns or destroys a possession of the State other

than those mentioned above, the penalty will be three to ten years of forced labor, in addition to the civil restitutions.

If this last action results in the loss of human life, the accused will be punished with the death penalty.

Art. 74. - Any individual who, without being a soldier nor engaged in the military service, incites soldiers to disobey or violate the military duties, and achieves results in this action, will be punished with one to three years imprisonment and a fine of two hundred to one thousand tomans.

He will be punished with six months to two years imprisonment and a fine of one to five hundred tomans if his action has no effects.

Art. 75. - Whoever takes the direction of armed gangs, either to take or to plunder estates or other possessions of the State, or those of a group of inhabitants of the country, or to resist the public force undertaking an action against the authors of such crimes, will be punished with the death penalty.

All the other individuals who are members of these gangs but do not direct them nor command them, and are caught on the spot of the seditious movements, will be punished with one year to three years imprisonment, unless they have committed an infraction punishable with a more severe penalty, in which case they will be punished with the maximum penalty prescribed for such an infraction.

Art. 79. - Any individual who directs, incites, or organizes the gangs mentioned in the preceding article, or, knowingly and willfully supplies them with weapons or instruments of crime, or helps them, or enters into agreements with the directors or commanders of these gangs, or provides housing, shelter or meeting places for them, will be punished with three to eight years of forced labor.

Art. 77. - Any person who was member of such gangs, without directing them nor holding any position, and who withdraws from them immediately after the warning of civilian or military authorities, or even surrenders later without opposing resistance, at a place other than the meeting place of the seditious movement, will not be punished with the penalty prescribed for persons guilty of sedition.

This person will be only punished for infractions that he might have committed himself.

Art. 78. - No penalty will be applied to any individual who was

a member of seditious gangs or groups of persons acting against the internal and external security of the State, and who, before any prosecution by the governmental authorities, gives to the Government or to civilian authorities, military authorities, or police, information concerning the criminal attempts and the names of persons who took part in these criminal activities.

No penalty will be also applied to those who, even after the beginning of the prosecution, supply the governmental authorities with means of arresting the offenders in question.

Art. 79. - Any person who, by speeches, by writing or by print, formally incites the public to commit offences or crimes against the internal or external security of the State, will be punished with the penalty prescribed for the offence or crime resulting from the incitement, if the incitement has effects.

If the incitement has no effects, the penalty will be eight days to three months imprisonment.

Section III.

Criminal attempts against the Chief of State.

Art. 80. - The criminal attempt against the life of the Chief of State is punished with ten to fifteen years of forced labor, if the undertaken attempt remains without results for reasons independent from the will of its author.

If, as the result of the attempt, the Chief of State is wounded but not killed, the author of the attempt will be punished with the maximum of the above mentioned penalty.

Art. 81. - Whoever uses in public offending terms speaking of the Chief of State will be punished with two to six months imprisonment.

CHAPTER II

CRIMINAL ATTEMPTS AGAINST THE PRINCIPLES OF NATIONAL SOVEREIGNTY AND FREEDOM

Art. 82. - Any minister, member of Parliament, any officer and public servant who rises against the Government established on the basis of the national sovereignty, or gives the order to do so, will be punished with the death penalty.

Art. 83. - If one of the persons mentioned in the preceding article deprives one or several citizens from their individual freedom or from the rights which are granted to them by the Constitution, that person will be recalled and punished with the loss of civil rights for five to ten years.

Art. 84. - If, however, the author of the action demonstrates that he has acted by order of a superior who was competent to give orders and whose orders he had to obey, he will be exempted from the penalty which will be applied to the person who gave the order.

Art. 85. - If, in the case mentioned in article 83, the person imprisoned illegally demands damages, either by means of the penal prosecution or by a civil action, these damages may not be appraised at less than five tomans per day of illegal detention.

The appraisal of all other damages will be carried out with reference to the condition of the person imprisoned and the circumstances of the imprisonment.

Art. 86. - If actions contrary to the constitution are executed as the result of a counterfeited signature of a minister or a civil servant, the authors of the counterfeit signature and those who used it knowingly will be punished with five to ten years of forced labor.

Art. 87. - If, with reference to his imprisonment, the illegally imprisoned person addresses a protest to officials in charge of the judiciary and administrative police, and if these officials do not take into account this protest and do not justify the failure of communicating it to higher authorities and taking other legal steps, they will be recalled, punished with the loss of civil rights and with a fine of fifty to five hundred tomans, and liable for damages which will be appraised as stated in article 85.

Art. 88. - Wardens of prison and confinement houses who receive a person as a prisoner without a mandate or a sentence, or without order from competent authorities, will be punished with two months to two years of imprisonment.

Art. 89. - Wardens of prisons and confinement houses who refuse to represent the prisoner or to return him to the Prosecutor or the judge, or to show their registers to these officials, or who neglect to communicate the protestations of the prisoner to the competent authorities, or refuse to do so, will be punished with the penalty prescribed in the preceding article, unless they can prove that they were ordered to do so by written and official order of their immediate

hierarchic superiors, in which case the penalty will be applied to the person who gave the order.

Art. 90. - All General or Imperial Prosecutors, all substitutes, all examining magistrates, all judges and all civil servants who, besides the cases authorized by the law, order the imprisonment, the prosecution and the accusation of one of the inhabitants of the Country, will be punished with the loss of civil rights.

Art. 91. Any person who is in charge of the distribution of voting slips, or the collection of votes relative to elections of members of legislative assemblies, or members of general Gobernatorial and other councils, and who falsifies these slips, adds or substracts some, or changes one or several names on the slips, will be punished with three months to one year imprisonment and the loss of the eligibility right for three years.

All other persons found guilty of the above mentioned offences will be punished with one to six months imprisonment.

Art. 92. - Any individual who buys or sells a vote, will be deprived of rights mentioned in article 15, and from any public function, both national and governmental.

In addition, the buyer will be punished with a fine of one hundred to one thousand tomans, and the seller with eight days to one month imprisonment or a fine of five to fifty tomans.

The penalty passed against persons who, during elections, use threats or promises, will be that which is prescribed by the electoral law.

CHAPTER III.

OFFENCES AND CRIMES AGAINST PUBLIC PEACE.

Section 1.

Counterfeit money

Art. 93. - Whoever counterfeits presently used gold or silver pieces, or takes part knowingly in the circulation of these counterfeited coins, or introduces them within the country, will be punished with three to five years of forced labor.

Art. 94. Whoever, for purposes of an illegal profit, diminishes the value of currently used gold or silver coins by actions such as

cutting or filing, will be punished with one to three years imprisonment.

The same penalty will be applied to those who, by one of the means mentioned above, counterfeit in Iran foreign coins, or participate in their circulation, or introduce them in the Iranian territory.

Art. 95. - If one of the infractions mentioned in one of the two preceding articles has been committed with reference to currency other than that of gold or silver coins, its author will be punished with one month to one year imprisonment.

Art. 96. - Individuals guilty of offences mentioned in articles 95 and 94 will be exempted from penalties if, before any prosecution, they inform the Government about them, or if, even after the prosecution is started, they bring about the arrest of the guilty persons.

Section II

Forgery

Art. 97. - Forgery consists of manufacturing, at variance with truth, a writing, a document, or any other object, or of manufacturing the seal or the signature of public or private persons, or, with a fraudulent intention, of scratching, erasing or modifying a document, or adding or subtracting from it, or antidating or postdating it, or illegally glue one document on another, or using someone's seal without that person's authorization, or engaging in other similar actions.

Art. 98. - Whoever personally forges or causes to be forged the following objects, or knowingly makes use of these forged objects, or introduces them within the Country, will be punished with three to fifteen years of forced labor.

These objects are:

- 1) Firmans or decrees of the Chief of State.
- 2) Orders of the chief of the Government or Ministers.
- 3) Orders of the President of the Chamber or the Senat.
- 4) Seal of the State or of its Chief, and seal of legislative assemblies.
- 5) Seal, signature or sign of chiefs or officials of governmental administrations, or members of legislative assemblies in the capacity as public persons.

- 6) Seal, stamps or signs of a governmental administration.
- 7) Values issued by the Public Treasury.
- 8) Stamp or mark used to mark the titre of silver and gold products.
- 9) Bills constituting legal tender.

Art. 99. - Whoever forges the seal, the stamp or the mark of a public administration, a legally constituted society, or a house of commerce, will be punished with six months to three years imprisonment.

The same penalty will be applied to those who knowingly use the above mentioned forged objects.

Art. 100. - Whoever acquires illegally the true seals, stamps or marks of administrations, societies, or houses of commerce mentioned in the preceding article, and uses them, or causes them to be used in a way harmful to the right and interests of these institutions, will be punished with two months to two years imprisonment.

Art. 101. - Persons guilty of infractions mentioned in the preceding articles will be exempted from the penalty if, before any prosecution, they inform the Government about them and reveal the names of other authors, if any, or if, even after the start of the prosecution, they bring about the arrest of other persons guilty of these infractions.

Art. 102. - Any civil servant or public official who, in the discharge of his functions, commits a forgery in sentences, declarations, writings, acts, certificates, registers and other public or authentic papers and documents, either by forging a seal or a signature, or by changing a signature, a seal or a writing, or by adding a word, or by substituting a person, will be punished with five to ten years of forced labor.

Art. 103. - Any other person than civil servants and public officials who commits one of the crimes mentioned in the preceding article will be punished with a solitary confinement of less than five years.

Art. 104. The penalty of five to ten years of forced labor will be applied to any administrative or judiciary civil servant who, when writing the documents of his ministry, commits a forgery either by modifying the content or meaning of these documents, or by modifying the written or oral statement of a public authority or of one of the interested parties, or by showing as true some untrue facts, or inversely, or by stating that some facts are acknowledged when they are not.

Art. 105. -- Whoever profits or tries to profit from the forgeries mentioned in the three preceding articles, knowing them for such, will be punished with two to ten years of solitary confinement.

Art. 106. - Any individual who commits a forgery of private writing in one of the ways mentioned above, will be punished with two to ten years solitary confinement.

A person who knowingly profits or tries to profit from forgeries mentioned in the present article, will be punished with two to five years of solitary confinement.

Art. 107. - Whoever manufactures a forged permit to stay or a State passport, or falsifies a passport or a permit to stay which was originally authentic, or knowingly uses these foregeries, or takes a passport or permit to stay under an assumed name, or testifies falsely in order to receive a permit or a passport under an assumed name, will be punished with three months to one year imprisonment.

Art. 108. - Any public servant who knowingly delivers a passport or a permit to stay under an assumed name will be recalled and punished with one to three years imprisonment and a fine of fifty to five hundred tomans.

Art. 109. - Any person who manufactures a medical or surgical certificate in order to avoid a State service, or to exempt someone else from it, will be punished with six months to two years imprisonment.

Art. 110. - Any physician or surgeon who makes a false certificate in order to exempt a person from the service of an official administration, will be punished with six months to two years imprisonment and a fine of ten to one hundred tomans.

If the certificate was given as the result of a promise, gift, or offering, the physician and surgeon will have to restitute the gift and offering which will be confiscated, and will be punished with one to three years imprisonment and a fine of fifty to five hundred tomans.

Art. 111. - The penalties prescribed by the two preceding articles will be also applied in case of certificates designed to be submitted before the court.

Art. 112. - For any other certificate which results in damages to the interests of a third person or the Public Treasury, the author will be punished with six months to two years imprisonment and a fine

of fifty to five hundred tomans.

Section III

Breakage or destruction of seals, theft of documents in public archives.

Art. 113. - When seals put by the order of official competent authorities on a possession or an object are knowingly broken or destroyed, the author will be punished with six months to two years imprisonment and a fine of fifty to three hundred tomans.

If the offence is committed by the guard himself, he will be punished with one to three years imprisonment.

If the offence is committed as the result of neglect of the guard, he will be punished with one to six months imprisonment.

Art. 114. - When papers, acts, documents, registers, or copies of facts recorded or registered in the State registers, kept in building or deposited with persons officially in charge of their conservation, are partly or entirely concealed, removed or destroyed, the registrars and archivists and other persons whose negligence caused the infraction will be punished with six months to three years imprisonment.

Art. 115. - If the authors of any of the infractions mentioned in the preceding article are different persons than the guards, they will be punished with three to six years of solitary confinement.

If the author of the crime is the person who deposited the document, he will be punished with three to ten years of forced labor.

Art. 116. If the author used violence in order to destroy or break seals, or remove and take documents, he will be punished with six to twelve years of forced labor.

This penalty will be applied regardless of any other penalty applied for the offences and crimes resulting from the violence.

Section IV.

Escape of prisoners, harboring of convicts.

Art. 117. Any prisoner who escapes will be punished for this very infraction with one to six months imprisonment.

If the escape took place with breakage of the door or prison, or with violence, the convict will be punished with the double penalty.

Art. 118. - If an individual accused of an infraction is arrested by order of a legally competent authority, or if he is put in prison by order of the court, or if he is sentenced by judgment or sentence to imprisonment or a more severe penalty, and if he escapes as the result of the negligence of persons in charge of his guard, escort or transportation, these persons will be punished with three months to two years imprisonment and a fine of fifty to two hundred tomans, if the escapee was accused or sentenced for crime. In all other cases the penalty will be two to six months imprisonment and a fine of ten to one hundred tomans.

Art. 119. - If a convict escapes and if the person in charge of his guard, escort or transportation helps, prepares, or assists in this escape, this person will be punished according to the following provisions:

If the convict was sentenced to the death penalty, the penalty applied will be forced labor of three to ten years;

If the convict was sentenced to forced labor for life or for time, or if he was accused of an infraction punishable by death, the penalty applied will be two to six years of solitary confinement;

In all other cases, the penalty applied will be six months to three years imprisonment.

Art. 120. - Any civil servant or public employee who is, within the framework of the law, in charge of the arrest of someone, and who, in order to facilitate the escape of that person, is guilty of neglect in the execution of all necessary steps for this arrest, will be punished with six months to three years imprisonment.

Art. 121. - Any persons other than civil servants and public employees who knowingly arrange for the escape of a legally detained individual will be punished according to the following provisions:

If the prisoner was sentenced to death or forced labor for life, the penalty applied will be one to three years imprisonment.

If the prisoner was sentenced to forced labor for time or to solitary confinement, or if he was accused of an infraction punishable with death, the penalty applied will be six to two years imprisonment.

In all other cases, the penalty applied will be three months to one year imprisonment.

Art. 122. - Whoever supplies a prisoner with arms in order to help him in his escape will be punished with two to three years imprisonment.

Art. 123. - Whoever harbors an individual who escaped while legally detained, or an individual accused of a crime or an offence whose arrest is legally ordered, as well as any person who facilitates the escape of these individuals, will be punished according to the following provisions:

If the aided or harbored individual was sentenced to death, the penalty applied to the person who harbors or aids him will be one to three years imprisonment.

If he was sentenced to labor for life or for time, or if he is accused of an infraction punishable by the death penalty, the penalty applied will be six months to two years imprisonment.

In all other cases, the penalty will be one month to one year imprisonment.

Art. 124. - Whoever knowing that a crime or an offence were committed helps the offender to escape judgment and sentence, or provides him with a shelter where he conceals the proofs of the infraction, or, in order to obtain the acquittal of the defender, produces forged proofs that he knows for such, will be punished according to the following provisions:

If the committed infraction is punishable with forced labor or solitary confinement, the penalty applied will be one month to one year imprisonment.

In all other cases, the penalty applied will be one to six months imprisonment.

The following persons are exempted from the penalties prescribed in the present and the preceding articles:

the husband or wife, be she divorced, of the offender;
his parents, children, brothers and sisters;
all other relatives and in-laws of the defender, up to the third degree of parentage included.

Section V.

Usurpation of titles and functions.

Art. 125. - Whoever, without an official title or authorization of the Government, interferes in the public civilian or military functions, which do not legally belong to his competences, will be punished with one to three years imprisonment.

If the offender is guilty of forgery as a way of interfering in the said functions, he will be also punished with the penalty prescribed for that infraction.

Art. 126. - Any person who wears publicly an official costume or a decoration, or a distinctive sign of any official dignity to which he is not entitled, will be punished with a fine of thirty to five hundred tomans.

Section VI.

Damages to buildings and monuments.

Art. 127. - Whoever damages religious, national or historical buildings or monuments, or objects erected for public utility or for the decoration of holy or national buildings, will be sentenced to two to ten years of solitary confinement and to the payment of the double of the amount necessary for the repairs of the damages.

Art. 128. - Any individual who illegally cuts down trees planted in public squares or streets, gardens and other similar places, will be punished with ten days to one month imprisonment, in addition to the damages caused by his action.

CHAPTER IV.

INFRACTIONS COMMITTED BY CIVIL SERVANTS.

Section I.

Action ultra vires and breach of duty committed by civil servants.

Art. 129. - Any civil servant, whatever his grade of position, who uses his official authority in order to prevent the execution of written orders issued by the Government, of the laws of the Country, or sentences and ordinances issued by the courts, or any decision of

legal authorities, will be recalled.

Art. 130. - Any civil servant who does not belong to the judiciary order, be he governor, vice-governor, official of police or gendarmery, etc., who, outside cases of arbitration, interferes in matters within the competence of courts of justice, and who does not stop his interference despite the protestation of the parties or of one party, or the protestation of the competent authorities such as the prosecutors and the presiding judges of courts, will be recalled and punished with two months to three years imprisonment.

Section II.

§ 1. Abuse of authority against private persons.

Art. 131. Any official of the judiciary order, or any other official who tortures an accused person, or gives an order to that effect, will be punished with forced labor of three to six years.

If, as the result of the tortures, the accused person dies, the author will be punished with the penalty prescribed for the authors of homicide, and the person who gives the order with the penalty applied to those who order homicide.

Art. 132. - Any civil servant who applies, or orders to apply, to the convicts a penalty more severe than the penalty passed by judgment or sentence, or applies to them a penalty which has not been passed, will be punished with six months to three years imprisonment.

In the case that the action of the civil servant constitutes at the same time also another infraction, he will be also punished by the penalty prescribed for that infraction.

Art. 133. - Any civil servant, or any other individual in charge of a public service, who, with the except of cases provided by the law, or without observing legal forms, enters the domicile of a private person against the will of the latter, will be punished with one month to one year imprisonment, unless he brings the proof that he acted on order of a superior, who was competent to order and whose orders he had to obey, in which case the penalty will be applied only to the superior who gave the order.

In the case that the said civil servant commits or causes any other infraction, he will be also punished for that other infraction with the prescribed penalty.

Art. 134. - Any officer, any civil servant, and any agent of the Government who, on account of his competences or function, purchases possessions using violence, or illegally acquires them, or forces the owner to sell them to another person, will be punished with two months to two years imprisonment and a fine of fifty to five hundred tomans.

He must also restitute to the owner the possession that he took, or its value if it no longer exists in nature.

Art. 135. - Any civil servant who, outside of cases authorized by the law, or cases where the interest of the population requires it, employs people for labor without compensation and without the authorization of the Government, will be punished with two months to two years imprisonment and a fine of fifty to five hundred tomans.

In addition he must pay the persons employed for labor without compensation the amount of wages to which they are entitled.

Art. 136. - Any civil servant who, in the discharge of his duties and on the occasion of this discharge, torments someone or has someone tormented, will be punished with the maximum penalty prescribed for this infraction.

Art. 137. - Any civil servant who, in the discharge of his duties, causes other people to give him food or fodder under violence, without paying a fair price for it, will be punished with eight days to one month imprisonment, and the payment of damages to the persons entitled to them.

Art. 138. - Any civil servant who, outside cases provided by the law, opens, seizes or destroys a postal, telegraphic or telephonic correspondence belonging to private persons, or divulges its content without the authorization of the owner thereof, will be punished with six months to three years imprisonment.

§ 2. Corruption

Art. 139. - (Art. 1 of the law of 2 tyr 1307). Any civil servant, any agent of the Government or of the judiciary or the administrative order, as well as any official or agent of deliberative or municipal institutions who accepts an amount of money or any possession in order to perform an action belonging to his duties, whether the action is accomplished or not, and whether it is just or unjust, is guilty of corruption and punished with two to five years of solitary confinement in addition to the restitution of what he received.

Similarly, if one of the above mentioned persons, in exchange for an amount of money or any possession, abstained from making an action which was within the province of his duties, he is guilty of corruption and punished with the penalties prescribed above.

NOTE. - If it is proven that the corrupting person committed the infraction only to safeguard his legitimate rights, he will be given back the amount of money or the possession that he gave.

Art. 140. - Any arbiter or expert designated by the court or the parties who, for an amount of money or a possession, renders a favorable decision for one of the parties, will be punished with two months to one year imprisonment.

Art. 141. - If an amount of money or any possession was received to commit a crime, the penalty applied to the person who received it will be the same which is prescribed for the crime.

Art. 142. A corrupter is any individual who gives an amount of money or any possession in order to instigate any of the persons mentioned in articles 139 and 140 to carry out an action or to abstain from carrying out an action which is a part of his duties.

If the corrupter is a civil servant, he will be punished with the same penalties as are prescribed for the corruption. If he is not a civil servant, he will be punished with two months to one year imprisonment and a fine of one hundred to one thousand tomans.

Art. 143. - The corrupter is exempted from the penalty if it is proven that he committed the infraction only to safeguard his legitimate rights.

He will be also exempted from the penalty if he communicates his infraction to competent authorities and gives proofs thereof. If he cannot bring the proofs, he will be punished with one to three months imprisonment.

Art. 144. - If, in order to pass a sentence either for or against an accused person, the magistrates of a criminal court receive an amount of money or any possession, under whatever form and whatever pretext, they will be punished with two to ten years of solitary confinement.

Art. 145. If, as the result of corruption, the magistrates of a Court pass a sentence to a penalty more severe than solitary confinement, this sentence will be applied to the said magistrates.

Art. 146. The corrupter will never be given back the amounts of money and the possession that he gave. They will be confiscated by the Public Treasury.

Art. 147. If, in order to achieve the goals mentioned in articles 139, 140, 141 and 144, any possession was transferred, directly or indirectly, to the civil servants both in the judiciary and the administrative order, either freely or at a price obviously lower than the regular price, or at a price apparently regular but actually much lower, or else if, in order to attain the same goals, any possession was bought from them at a price obviously higher than the regular price, or at a price apparently regular but actually much higher, the said civil servants are guilty of corruption, and the party with which they deal will be considered as corrupting.

Art. 148. - (Abolished by the law of 2 Tyr 1307').

§ 3. Refusal to discharge the legal duties.

Art. 149. - Any commander, officer or noncommissioned officer of the public force who, after the written and legal demand of the civilian authorities, refuses to carry out his mission and execute acts which are a part of his duties, will be punished with one to six months imprisonment.

In the case that this refusal entails civil damages, he will be also sentenced to satisfy the claims.

Art. 150. - Any judge, magistrate or prosecutor who, in accordance with the provisions of the law, is entrusted with a complaint within his province, and who, under any pretext, even that of the silence, obscurity or contradiction of the law, refuses to give to that complaint the follow up to which it is entitled, or who, in opposition to the law, delays his action or his sentence, or acts in formal opposition to the law, will be recalled from his judiciary functions and sentenced to civil reparations.

Art. 151. - Witnesses, members of the jury, and elected consular judges, who are called to appear before the court and who refuse to do so without a sufficient reason that the court can appreciate, will be deprived for two years of the right to be witness, member of the jury, arbiter, consular judge or municipal councillor.

Section III

Abuses of authority against public interests.

§ 1. Embezzlement and misappropriation of public funds.

Art. 152. - Any collector, collecting clerk, depositary, accountant, public cashier who embezzles public or private funds, or equivalent effects, or documents, titles, acts, or possessions which were in his hands on account of his functions, or who carries out any action of illegal possession with reference to these objects, will restitute the embezzled objects, or the objects illegally owned, and will be punished with a fine equal to the double of their value, and with the interdiction from performing public functions during one to ten years.

Art. 153. - Any civil servant, agent of the Government, or any other individual who is in charge of buying, selling, manufacturing or ordering any object for the Government, and who gets a profit for himself or for a third person at the expense of the Government by the means of a fraud committed during the purchase, the sale, or the designation of the quality or the quantity of this object, will be sentenced not only to the restitution but also to a fine equal to the double of what he has unduly acquired.

If the offender is a civil servant, he will be also punished with a recall for one to seven years.

Art. 154. + Any civil servant who is in charge of any collection for the State, and carries out or orders a collection contrary to the law or exceeding what was legally due, will be punished not only with the restitution of what he has unduly acquired, but also, taking into account all manners of circumstances, with eight days to three years imprisonment and with a fine double in amount as what he has received.

The same penalty will be also applied to any person in charge of collections for municipalities.

Art. 155. Any civil servant or any agent of the Government who, on account of his functions, hires or employs people or transports objects, and who keeps back all or a part of the wages due to these people or the costs of the transportation carried out under his supervision and paid by the State, will be punished with one month to three years imprisonment.

The same penalty will be also applied to civil servants who will have people work without compensation nor wages, keeping for themselves the wages of these people paid by the State.

In all cases, in addition to the restitution, the offender will be punished with a fine twice as large as what he has unduly kept.

Art. 156. - Any civil servant or agent of the Government who, on account of his functions, has the right of employing and hiring people, and who bills the State for a larger number of people than that he has really hired or employed, or who counts his own servants as employees of the State and bills the State for their wages, will be punished with three months to three years imprisonment, and with a fine twice as large as the amount for which he has billed the State as explained above.

Art. 157. - Any civil servant or agent of the Government who, directly or through intermediaries, collects an interest in the operations, adjudications, enterprises or monopolies which he directs or supervises, or who, without a mission, takes upon himself to purchase or manufacture some object for the State, or allocates himself some interest at the expense of the State, or allocates himself an interest in the payment or the liquidation in charge of which he was on account of his function, will be punished with recall and with a fine twice as large as the interest that he reserved for himself.

Law of 16 Azer 1306.

Article I. - Persons who, before the effectiveness of this law, committed infractions mentioned in articles 152, 153 and 157 of the Penal Code, will be prosecuted and punished according to these articles, whether they have been or not acquitted, if no five-year prescription intervenes with reference to these infractions.

If these persons do not execute the restitution and/or do not pay the fine provided in the three articles in question, they will be imprisoned till the restitution is carried out and the fine paid.

If, after ten years of imprisonment, the restitution has not been carried out nor the fine paid, the King, on the request of the Minister of Justice and with the agreement of the Premier, may order the discharge of the prisoners.

Article II. - Persons who, after the approval of the present Law, commit the infractions provided in articles 152, 153 and 157 above, will be sentenced not only to penalties provided in these articles, but also to the following penalties:

If the amount of the embezzlement, or illegitimate profits or interests is less than 500 tomans, the penalty will be six months to two years imprisonment.

If the amount exceeds 500 tomans, the penalty will be two to

ten years of solitary confinement.

Article III. - The recall from the public functions which in the three articles above was temporary will now become permanent.

Art. 158. - Any civil servant, whether of the judiciary order or any other, who destroys or conceals documents, papers or titles with which he was entrusted on account of his function or which have been given to him on account of his functions, or who gives the said documents, papers and titles to a person to whom he was forbidden by the law to give them, will be recalled and punished with one to three years imprisonment.

Art. 159. - Any civil servant of judiciary or administrative order who, by prejudice and unfairly, makes a decision or takes some steps with regard to one of the parties, will be considered as guilty of prevarication and punished with a recall of one to three years. In case of a repeated offence, the recall will be permanent.

CHAPTER V

CRIMES AND OFFENCES AGAINST CIVIL SERVANTS.

Section I

Rebellion

Art. 160. - Any attack and any resistance accompanied by acts of violence against the civil servants discharging their duties are considered as rebellion and punished according to the following provisions:

- 1) If the rebel used arms at the moment of committing the infraction, he will be punished with two to six years of solitary confinement;
- 2) If the rebel was carrying arms but did not use them, he will be punished with four months to two years imprisonment;
- 3) If the rebel did not carry arms, he will be punished with three months to one year imprisonment.

Art. 161. - If, at the time of the rebellion, the rebel commits also another crime or offence, he will be punished with the penalty prescribed for that crime or offense, if that penalty is more severe than the one prescribed for rebellion; in the opposite case, the penalty prescribed for rebellion will be applied.

Section II

Outrages against representatives of the Nation and civil servants.

Art. 162. - Whoever, by gestures, words or threats, does outrage to a civil servant or a member of the Court of Accounts discharging his duty or at the occasion of discharging his duty, will be punished with eight days to one year imprisonment.

If the outrage was addressed against a minister of an under-secretary of State, the offender will be punished with three months to three years imprisonment.

If the outrage was addressed against a judiciary or administrative court, of one of its members, during the hearings, the author will be punished with one month to two years imprisonment.

Art. 163. - Whoever, by the means mentioned in the preceding article, addresses an outrage to the representatives of the Nation, will be punished with three months to three years imprisonment.

If the outrage was addressed against the administrative officials of the Chamber, the author will be punished with eight days to one year imprisonment.

Art. 164. - If an individual, by one of the means mentioned above, addresses an outrage against the presidents or members of municipal councils, general gubernatorial councils, or provincial councils, or juries or elected consular judges, he will be punished with one month to two years imprisonment.

If the outrage was addressed against one of the officials of these councils, the author will be punished with eight days to six months imprisonment.

Art. 165. Any individual who, with or without arms, strikes one of the persons designated in the three preceding articles discharging their functions or on the occasion of the discharge of their functions, but if the blows do not result in wounds, or any individual who maltreats that person under similar circumstances, will be punished with the maximum penalty prescribed for outrages against the said persons.

Art. 166. - If the maltreatment received by the persons designed in articles 162, 163, and 164 results in wounds or illness, the offender

will be punished with two to five years of solitary confinement.

The same penalty is prescribed in the case when this action is committed with premeditation or felonious intent, even if no wounds or illness result.

Art. 167. - If the blows or wounds to persons designed in articles 162, 163, and 164 were given with the intention of killing these persons, the author will be punished with five to ten years of forced labor.

CHAPTER VI.

ASSOCIATION AND AGREEMENT FOR THE PURPOSE OF COMMITTING AN INFRACTION.

Art. 168. If two or several individuals form an association or enter into an agreement for the purpose of committing offences or crimes against the internal or external security of the State, or the principles of national sovereignty or freedom, or the decency, the life or the possessions of private persons, or if they prepare the means of committing these crimes and offences, they will be punished according to the following provisions:

- 1) If the association is formed and the agreement entered for the purpose of committing an offence, the authors will be punished with eight days to three months imprisonment;
- 2) If the association is formed and the agreement entered for the purpose of indecent assault, or a crime against persons or possessions, the authors will be punished with three months to one year imprisonment;
- 3) If the association is formed and the agreement entered for the purpose of committing a crime against the internal security of the State, or the principles of national sovereignty or freedom, the authors will be punished with six months to two years imprisonment or forced stay from one to three years;
- 4) If the association is formed and the agreement entered for the purpose of committing a crime against the external security of the State, the authors will be punished with two to five years of solitary confinement.

Art. 169. Whoever, knowingly and willfully, assists the authors of the infractions mentioned in the preceding article, by supplying them with instruments, means of corresponding, or meeting places, will be punished with eight days to one month imprisonment.

Persons who commit one of the infractions mentioned in the present and preceding article will be exempted from the penalty if, before any prosecution, they communicate to the competent authorities the establishment of the agreement or the formation of the association.

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[Articles 170 - 177, pages 48 and 49, were missing from the original.]

Art. 178. Whoever conceals the body of a person knowing that this person has been killed, or buries it without notifying the persons legally engaged in the search and prosecution of infractions, will be punished with two months to one year imprisonment.

Art. 179. - A husband who finds his wife sleeping with a stranger, or in a similar position, and kills her or wounds her, or beats her, or else kills her and her accomplice, or wounds or beats both of them, will be exempted from penalty.

Whoever finds his sister or daughter in the above mentioned relationship with a stranger, with whom she is not legally married, and commits murder (against either of the accomplices, or both), will be punished with one to six months of imprisonment.

If, in the case provided in the second paragraph of this article, the person only wounds or beats the accomplices, he will be punished with eight days to two months imprisonment.

Art. 180. - Whoever, by blows or any other type of violence, willfully causes the abortion of a pregnant woman, will be punished with forced labor of three to ten years.

Art. 181. - Whoever, by the use of drugs or other means, causes the abortion of a pregnant woman, will be punished to one to three years imprisonment. He will be punished with three to six months imprisonment if he persuades the pregnant woman to use the said means.

Art. 182. - Any woman who knowingly and without an authorization of the physician accepts to take drugs, food or drinks, or use or let use the said means, and thus aborts, will be punished with one to three years imprisonment.

If the woman acted under the order of her husband, she will be exempted from the penalty, which will be applied to her husband.

Art. 183. - Physicians, midwives, surgeons, or pharmacists, as well as all the persons acting as physicians, midwives, surgeons or pharmacists, who cause the abortion of a pregnant woman, will be punished with three to ten years of forced labor, unless it can be established that this measure was taken by the physician, the midwife or the surgeon, in order to save the life of the mother.

Art. 184. - No penalty will be applied to a person who, in accordance with the following articles, commits homicide, wounds or beats up someone in order to defend his life, his modesty, or his

possessions, or the life, the modesty or the possessions of someone else, provided that the defense be proportionate to the danger threatening the author.

Art. 185. - In order to defend oneself against a criminal or indecent assault, it is permitted to make any resistance and to use any violence, even if the assault is committed by a civil servant. The defense of possessions authorizes the use of the violence necessary to repel any action qualified as an infraction by the articles 222, 223, and 224.

Art. 186. - Self-defense no longer applies when it becomes possible to have recourse to the public force for the defense in time.

Art. 187. - Resistance to police and gendarmes acting within the limits of their functions does not constitute self-defense.

However, if these authorities exceed the limits of their competences and, in view of the existing proofs and indications, it is to be feared that their acts may result in homicide, wounds or indecent assault, it is permitted to have recourse to self-defense.

Art. 188. - A person who commits a willful homicide in self-defense against criminal or indecent assault, will be exempted from penalty in the following cases:

- 1) In the case of homicide, wounds, or serious blows and violence, provided that the danger of death, wounds, or serious blows and violence be based on sensible indications;
- 2) In case of an attempted rape;
- 3) In case of kidnapping.

Art. 189. - A willful homicide committed in the defense of possessions is not punishable in the following cases:

- 1) In cases provided in articles 222, 223, and 224;
- 2) In the case of the entry in an inhabited house or its enclosed outbuildings, at night time, by the means of climbing, breaking in, or similar methods;
- 3) In the case of any action which may reasonably threaten with death, wounds, or serious blows and violence.

Art. 190. - If self-defense took place in order to repel thefts other than those provided in articles 222, 223, and 224, or in order to repel any other infraction against the possessions, the penalty passed against the author may be mitigated.

Art. 191. - In the case provided in the preceding article, if the committed crime is punishable with death or forced labor for life, the penalty applied to the author will be one to three years imprisonment.

If the crime is only punishable with an imprisonment for time, the author will be punished with six months to two years imprisonment.

If the committed infraction constitutes only an offense, the author will be punished with one to six months imprisonment.

Art. 192. - If, in cases provided by articles 170, 171, 172, 173 paragraph 1, 175 and 176, a complaint was made but the plaintiff withdrew his complaint before a final sentence was passed, the offender will be sentenced to the minimum penalty prescribed, or to a penalty reduced by one degree.

If the prescribed penalty is death penalty, it will be reduced by two degrees.

CHAPTER II.

ILLEGAL ARREST AND IMPRISONMENT.

Art. 193. - Any governor, vice-governor, another civil servant or any person who, without the order of competent authorities, and outside cases when the law authorizes arrest or imprisonment, arrests, imprisons, or confines someone, will be punished with three years imprisonment and the loss of the right to become a civil servant.

Whoever knowingly supplies the place for the execution of this offence, and thereby becomes an accessory thereof, will be punished with the minimum of this penalty.

If, before the prosecution, the offender frees the arrested, imprisoned, or confined person, he will be punished with two to six months imprisonment, and a fine of ten to fifty tomans, provided that the imprisonment does not exceed five days.

Legal tutors of children, such as fathers, with reference to their children, and persons in charge of the guard of insane people or minors with reference to their wards, and teachers with reference to their pupils, are exempted from the provisions of this article, provided that the actions of the fathers or tutors do not exceed the limits of the right of correction, and that the actions of the teachers do not exceed the limits granted to them on account of their official competences concerning schools.

Art. 194. - If the author of the infraction provided in the preceding article assumes a false name or a false title, or uses fraudulently the name, the insignias, and the uniform of civil servants, or if he shows a forged order to the competent authorities, he will be punished with two to five years of solitary confinement.

He will be punished with three to ten years of forced labor if he threatens with death the arrested, imprisoned, or confined person, or if he tortures her physically.

CHAPTER III.

OFFENCES AND CRIMES AGAINST CHILDREN.

Art. 195. - Whoever is guilty of the kidnapping, or concealment, or substitution, or supposition of a child, will be punished with six months to three years imprisonment.

Art. 196. - If it is not established that the child which was the object of the above mentioned frauds has lived, the penalty will be one to six months imprisonment.

If it is established that the child did not live, the offender will be punished with eight days to two months imprisonment.

Art. 197. - Any person other than the mother, who is in charge of a child and refuses to present it to persons entitled to ask for it, will be punished with one to ten months imprisonment.

Art. 198. - Whoever abandons, or causes to abandon, in a non-inhabited place, a child of less than seven years of age, or an infirm person unable to protect himself, will be punished with three months to one year imprisonment.

Art. 199. - If, in the case provided in the preceding article, the abandoned child or infirm person becomes the victim of an infraction or an accident, or if, as the result of the abandonment, death takes place, the author of the abandonment will be punished as if he were himself the author of the infraction, the accident, or the death, provided that he acted knowingly.

Art. 200. - Whoever abandons, or causes to abandon, in an inhabited place, a child of less than seven years of age, or an infirm person unable to protect himself, will be punished with three months to one year imprisonment, provided that the child or the infirm person was in his charge.

Art. 201. If, in the cases provided in the three preceding articles, the infraction is committed by the father or the mother of the child, or by any other person which is its tutor, the maximum of the prescribed penalty will be applied, provided however that the action has not been the result of indigence.

Art. 202. - Whoever, personally or through the intermediary of a third party, steals or, by fraud or violence, kidnaps, conceals, or hides a child of either sex of less than sixteen years of age, will be punished with one to three years of imprisonment. If the said child is a girl, the penalty will be two to five years of solitary confinement.

If the kidnapping takes place without fraud or violence, the offender will be punished with six months to two years imprisonment.

Art. 203. - Whoever, by fraud or violence, kidnaps or causes to kidnap, conceals or causes to conceal, or hides or causes to hide, a boy or a girl of more than fifteen years of age but less than twenty, will be punished with six months to three years imprisonment.

CHAPTER IV.

FAILURE TO OBSERVE FORMALITIES PERTAINING TO INHUMATIONS.

Art. 204. - Whoever, without observing the regulations and formalities pertaining to inhumations, inhumes or has inhumed a deceased person, will be punished with one to three months imprisonment, regardless of the penalties prescribed for the crimes which might have been committed at this occasion.

Art. 205. - Whoever hides the corpse of a deceased person will be punished with one to six months imprisonment. If the hidden corpse is that of a murdered person, the offender will be punished with six months to two years imprisonment, regardless of the penalties prescribed for the participation in crimes, if he participated in any.

Art. 206. - A penalty of three months to one year imprisonment will be applied to anyone who, without legitimate cause, is guilty of an exhumation, regardless of penalties for crimes or offences which might have been committed at the same time.

The provisions of the present article are not applied to civil servants in charge of the investigation of infractions who, as a part of their functions, engage in an exhumation.

CHAPTER V.

RAPE AND INDECENT ASSAULT.

Art. 207. - When the crimes of sodomy, adultery, incest between relatives or in-laws between whom marriage is forbidden, or rape, take place are proven in accordance with the provisions of the law of Char, the offender will be punished with the death penalty; if not, he will be prosecuted before common law courts and punished according to the provisions of the following articles.

Art. 208. - Whoever commits the crime of fornication with violence or threats against a person of either sex, will be punished with four to twelve years of forced labor.

If the author of the crime is the tutor, servant, employee, teacher, writing teacher, of the victim, or in general a person who has an authority over the victim, he will be punished with the penalty of five to fifteen years of forced labor.

If the offender is a relative or in-law of the victim up to the third degree included, he will be punished with forced labor for life.

Art. 209. - Whoever, without violence or threat, is guilty of the crime of fornication against a child who has not yet reached fifteen years of age, will be punished with two to eight years of solitary confinement.

If the victim is less than nine years of age, the offender will be punished with the same penalty which is prescribed against the person who commits the same crime with violence.

Art. 210. - Whoever regularly incites a person of either sex to engage in actions contrary to modesty, or supplies that person with means of engaging in such actions, will be punished with one to three years of imprisonment.

Art. 211. - Whoever commits in public an action contrary to the public modesty will be punished with one month to one year of imprisonment or a fine of twenty-five to five hundred tomans.

Art. 212. In case of rape, as well as in case of infractions provided in article 209, the Court may sentence the offender to pay to the victim an amount of fifty to two thousand tomans.

Art. 213. - Whoever rapes a virgin will be punished with the maximum penalty prescribed for each case of rape.

If the indecent assault of a virgin took place without violence and the case does not fall under the application of article 209, the author will be punished with six months to one year imprisonment.

If the assault against the virginity was carried out by any other means than fornication, the penalty will be one to three years of imprisonment.

In all cases the offender will be also sentenced to the payment to the victim of an amount of fifty to two thousand tomans.

Art. 214. - If, in the cases provided in articles 207, 208 and 213, the interested parties state that they are married, and if the existence of a marital bond between them is not impossible, the accused will be exempted from the penalty and the Court will report this fact to the office of vital statistics, so that the marriage be recorded, if it has not been yet recorded.

If the woman maintains that she is the wife of the accomplice, and if the latter denies it, the accomplice will be punished with the penalties prescribed in the preceding articles for the crime or offence that he has committed, but he will not be sentenced to the payment of an indemnity to the woman.

CHAPTER VI.

FALSE EVIDENCE? PERJURY AND BETRAYAL OF SECRET.

Art. 215. - Whoever, orally or in writing, makes a false evidence in criminal matter, will be punished with one to three years imprisonment, if the false evidence has an effect on the decision of the Court; otherwise the penalty will be one month to one year imprisonment.

If, as the result of the false evidence, the accused is sentenced to a more severe penalty, the false witness will be punished with the minimum of the same penalty.

Art. 216. - Whoever, orally or in writing, makes a false evidence in matters of minor offenses, will be punished with eight days to one year of imprisonment if the false evidence has an effect on the decision of the court; otherwise the penalty will be eight days to two months imprisonment.

Art. 217. - If, in the cases provided in the two preceding articles, the false witness receives an amount of money or any value in compensation for his evidence, or benefits from any other advantage, in addition to the penalty prescribed in article 215 pertaining to false evidence in criminal matters and in article 216 pertaining to minor offences, he will be sentenced to the restitution of the double of what he has received.

Art. 218. - Whoever makes false evidence in matters of minor infractions of the law will be punished with eight days to one month imprisonment.

If, in payment for his evidence, the offender receives an amount of money, or any value, or if he accepts gifts, he will have to restitute what he has received, which will be confiscated, and will be punished with the maximum penalty.

In civil matters, any witness or expert who, orally or in writing, makes a false evidence or expresses willfully an opinion contrary to the truth, will be punished with eight days to one month imprisonment, if the false evidence or the opinion contrary to the truth has effects on the decision of the court.

If, in payment for the false evidence or the opinion contrary to the truth, the offender receives an amount of money or any value, in addition to the penalty above mentioned he will be sentenced to the restitution of the double of what he received.

Art. 219. - Whoever commits a false evidence in administrative matters will be punished with eight days to one month imprisonment, if that evidence has an effect.

Art. 220. - Physicians, surgeons, midwives, pharmacists, any other persons who are entrusted with secrets on account of their professions or situations, who reveal these secrets in cases when the law does not oblige them to reveal them, will be punished with one month to one year imprisonment, and a fine of twenty-five to two hundred tomans.

Art. 221. - If someone who must make an oath in civil matters is guilty of perjury, he will be punished with one to three years of imprisonment.

CHAPTER VII.

THEFT

Art. 222. - The penalty of forced labor for life will be applied to the author of a theft who, without meeting all the conditions prescribed by the law of Char, committed his action while meeting at least all of the following five conditions:

- 1) The theft was committed at night time;
- 2) There were two or more thieves;
- 3) One of several of them carried openly or secretly arms;
- 4) The theft was committed with housebreaking, breach of domicile, or skeleton keys, or with the disguise as a civil servant, or with a false assumption of the quality of a civil servant, or if the theft was committed in an inhabited place, or a place designed for habitation, or in its outbuildings;
- 5) While committing the theft, the offenders used violence or threats.

Art. 223. - If the theft was committed with violence and threats, the offender will be punished with three to fifteen years of forced labor. If wounds occurred, the maximum penalty will be applied.

Art. 224. - When a theft committed on the public road is accompanied by one of the following circumstances, the offender will be punished with forced labor for life:

- 1) If the theft is committed by two or more individuals, and at least one of them openly or secretly carries an arm;
- 2) If it is committed by two or more persons with use of violence and threats;
- 3) If it is committed by a single armed individual, either at night time, or with the use of violence or threats, or with the use of arms.

In the cases provided by the present article, the Court may pass the death penalty if the circumstances warrant it.

Art. 225. - When the theft was committed at night time, by two or more individuals, at least one of whom openly or secretly carried arms, the offenders will be punished with forced labor of three to fifteen years.

Art. 226. - When the theft is committed under one of the following circumstances, the offender will be punished with six months to two years imprisonment:

- 1) If the theft is committed in an inhabited place, or a place

designed for habitation, or its outbuildings, or if it is committed in a public place such as the Mosque, a public bath, etc.;

- 2) If it is committed with breach of domicile in places enclosed with trees, hedges, fences or grills;
- 3) If it is committed at night time;
- 4) If it is committed by two or more persons;
- 5) If it is committed by a single individual openly or secretly carrying arms;
- 6) If it is committed by a servant at the expense of his master, or at the expense of a third party but in the house of his master, or in the house where he accompanied his master, or if it is committed by an apprentice or a worker in the domicile, store, or any other place serving habitually as the working place for his master;
- 7) If the theft is committed by the keeper of a caravanserai, an innkeeper, a hotel director, a director of public transportation, or, in general, a person professionally engaged in the transportation of things by any means possible, or by one of their employees, when they steal all or a part of the things which were entrusted to them on that account.

Art. 227. - In all the other cases when the theft is not accompanied by the above mentioned circumstances, the offender will be punished with two months to two years imprisonment.

If, in the case provided by the present article, the value of the object or objects that are stolen is less than fifteen tomans, and if, before any prosecution, or even after the beginning of the prosecution but before the sentence becomes final, the offender restitutes them in nature or restitutes their value, he will be punished only with a fine of five to fifteen tomans.

Nevertheless the court may exempt him from any penalty taking into account the circumstances of the offence, the age and the antecedents of the offender, and the value of the stolen object, provided that the plaintiff, if any, also requests this exemption, and that it is not a repeated offence.

Art. 228. In case of a repeated offence, the offender may not only be punished with the penalties relative to the offence, but also with an interdiction of stay of one to three years.

Art. 229. - An attempted theft considered as an offence will be punished with one month to one year imprisonment.

Art. 230. - Whoever knowingly and willfully receives stolen goods will be punished with three months to two years imprisonment. If the offender knew that the received goods had been obtained by a theft to which a more severe penalty is applied, he will be punished with one to three years imprisonment.

Art. 231. - An interference, not authorized by competent authorities, in legally seized goods will be punished with the penalty prescribed in article 227, even though the offender might be the owner of these goods.

Art. 232. - Whoever, with the intention of committing a crime, knowingly and willfully forges a key, or modifies it in such a manner that it could be used for another lock or padlock, or manufactures or causes to manufacture any other tool for an infraction, will be punished with two months to two years imprisonment.

CHAPTER VIII.

THREATS AND VIOLENCE.

Art. 233. - Any person who, by force, or violence, or threat, forces someone to give a writing or a document, or to sign or to seal a writing or a document, or who takes a writing or a document belonging to that individual, or entrusted to him, will be punished with three months to three years imprisonment.

Art. 234. - Any individual who, by threat or violence, acquires an amount of money or anything else, will be punished with three months to two years imprisonment.

The attempted offence of this nature will be punished with one to six months imprisonment.

Art. 235. - Any individual who, by anonymous or signed message, threatens someone with death, and, under that threat, demands an amount of money, or anything else, or the performance of some action, will be punished with one to three years imprisonment.

He will be punished with the minimum penalty if the threat is not accompanied by any of the said demands.

Whoever, by the above mentioned methods, threatens someone in his life, his honor, or his possessions, or threatens him to reveal a secret or to impute to him dishonorable actions, and in this manner demands from him an amount of money, or anything else, or the execution

of an action, will be punished with one to six months imprisonment. He will be punished with the minimum penalty if the threat is not accompanied by any demand.

If the threat is oral, whether or not it is accompanied by the demand for an amount of money or the execution of some action, the penalty will be eight days to one month imprisonment.

CHAPTER IX.

BANKRUPTCY AND SWINDLES.

Art. 236.- Those who, in the cases provided by the Code of Trade, are sentenced for fraudulent bankruptcy, as well as persons found to be their accessories, will be punished with three to five years of solitary confinement.

Art. 237. - Simple bankruptcy is punished with three months to two years imprisonment.

Art. 238. - Whoever, for the purpose of obtaining any part of someone else's possessions, engages in fraud, or uses fraud in order to convince the public of the existence of imaginary societies, trade houses, factories or other similar enterprises, or imaginary opportunities or credits, or else, for the purpose of creating hopes with reference to fictitious facts, of fears of accidents or any other imaginary event, or who uses an assumed name, or title, or quality, and, by one of these means, obtains funds, titles, bills, receipts, receipts of accounts, or any similar document, and thus deprives someone from a part of his fortune, will be punished with six months to two years imprisonment, or a fine of fifty to five hundred tomans, or with the two penalties combined.

The attempted swindle will be punished with two months to one year imprisonment or a fine of twenty to two hundred tomans.

In case of a repeated offence, the offender may be sentenced to an interdiction of stay of one to five years.

Law of 2 Djoza 1302 on the determination of penalties for those who appropriate or transfer the possessions of other people:

Article I. - Any individual who confesses, or is proven, to have illegally transferred to a third person, by any possible means, something belonging to another person, or its products, and to have given to this third party possession of this thing or its products, will be imprisoned till he restitutes the thing itself or its equivalent

value, and pays the damages caused to the owner and the purchaser.

Article II. - If an individual confesses, or is proven, to have illegally appropriated, by any possible means, a possession of someone else, he will be imprisoned till he restitutes the thing itself or its equivalent value, and pays the damages caused to the owner.

Article III. - In the cases provided in the two preceding articles, the person guilty of fraud will be prosecuted penally and punished with less than one year imprisonment or with horse-whipping of less than seventy strikes.

CHAPTER X.

BREACH OF TRUST.

Art. 239. - Whoever takes advantage of the weaknesses, passions, or needs of a minor or a person still unable to administer wisely his possessions, in order to make him sign to his detriment any document, such as documents constituting obligations, receipts, trade papers, or any other binding documents, whatever the form or the method of this breach of trust, will be punished with six months to two years imprisonment.

In addition he might be punished with a fine of fifty to five hundred tomans.

If the offender is the legal or testamentary tutor of the victim, he will be punished with three to seven years of solitary confinement.

Art. 240. - Whoever, taking advantage of a paper signed in blank and entrusted to him, fraudulently writes above an obligation or a discharge, or any other text which might be detrimental to the signatory or the person who affixed his seal, will be punished with one to three years imprisonment.

In addition he might be punished with a fine of fifty to five hundred tomans.

In the case that he obtains a paper signed in blank which has not been entrusted to him, he will be considered as a forger and punished as such.

If the plaintiff withdraws his complaint, the offender will be punished with one to six months imprisonment.

Art. 241. - Whoever squanders, embezzles or uses, to the detriment of the owners or proprietors, objects, coins, food, goods, bills, or other written documents such as personal notes, receipts, etc., which have been given to him for rent, deposit, security, or mandate, or for a compensated or non compensated work, with the provision that he would return them or use them in a determined manner, or whoever appropriates these objects to the detriment of the owner or the proprietor, will be punished with six months to three years imprisonment.

In addition he might be punished with a fine of fifty to five hundred tomans.

CHAPTER XI.

FRAUDS IN COMMERCIAL TRANSACTIONS.

Art. 242. - Whoever, by the spreading of false news or false posters, or by purchase at a higher price than that determined by the salesmen, or by coalition and agreement of owners, brings about the increase or the decrease in the price of food, merchandize, goods, stocks, and other similar papers, will be punished with two months to one year imprisonment and with a fine of thirty to three hundred tomans, or with only one of these two penalties.

If the above mentioned activities concerned food, aliments or other objects of public necessity, the penalty will be doubled.

Law of 22 Esfend 1306

Single article. - Any person who engages in smuggling articles which are at the basis of the revenue of the State, or who introduces in the country objects the import of which is forbidden, will be punished with eight days to two years imprisonment.

In addition he will be sentenced to the restitution of the smuggled or imported objects, or similar objects, or their value.

The above mentioned imprisonment may be redeemed at the rate of one toman per day.

Art. 243. - Those who operate a gambling house, and invite or admit there public for gambling, will be punished with six months to two years imprisonment, and a fine of one hundred to one thousand tomans, or with one of these two penalties only.

All funds and objects pertaining to gambling and found in such

houses will be confiscated.

Those who gamble in public will be punished with eight days to six months imprisonment.

Art. 244. - Whoever deceives the purchaser on the gold or silver content of articles, or on the real quality of a jewel, or presents one merchandize as another so that the purchaser does not achieve his aim when purchasing it, or diminishes the quantity of the merchandize by using inexact or false weighs and measures, and, in general, whoever deceives the purchaser either about the quantity or the quality of the thing sold, will be punished with fifteen days to one month imprisonment, and a fine of ten to fifty tomans, or with one of these two penalties only.

Art. 245. - Whoever, without the authorization of the author or the compiler, or without the authorization of persons to whom the author or the compiler have transferred their rights, prints or has printed, fully or in part, any type of work such as a book, a pamphlet, a picture, a drawing, or any other work made or compiled by another person, will be punished with a fine of fifty to five hundred tomans.

The above prescribed penalty will be applied even in the case that the counterfeiter brings some minimal changes to the counterfeited work, provided that it is shown that these changes were brought in order to save the appearances and escape prosecution.

Art. 246. - Whoever commits plagiarism in his printed words, outside of cases of citation, will be punished with the minimum penalty prescribed by the preceding article.

Art. 247. Whoever knowingly sells, or exhibits for sale, or introduces in the Iranian territory, the counterfeited works mentioned in article 245, will be punished with a fine of twenty-five to two hundred tomans.

Art. 248. - Whoever will have printed under his own name, or under the name of another person other than the author, works such as books, pamphlets, drawings, pictures, or any other work made or compiled by another person, will be punished with a fine of one hundred to one thousand tomans.

Art. 249. - Whoever fraudulently uses trade marks belonging to another person and registered and officially acknowledged in accordance with the law on trade marks, will be punished with fine of fifty to one thousand tomans, regardless of penalties prescribed for forgery, if any apply.

CHAPTER XII.

ARSON, DAMAGES, DESTRUCTION OF POSSESSIONS AND ANIMALS.

Art. 250. - Whoever wilfully sets fire to buildings, ships, boats, yards, factories, plants, or stores, and generally to any habitable places or places used as dwellings, will be punished with three to seven years of forced labor.

Art. 251. - Whoever sets fire to buildings, ships, boats, yards, factories or plants which are not inhabited, or stores, or forests the destruction of which is legally forbidden, will be punished with six months to three years imprisonment.

If he was the owner of the above mentioned objects, or if he set the fire to them under the order of the owner, and thus has wilfully caused a damage to another person, he will be punished with three months to one year imprisonment.

Art. 252. - Whoever sets fire to beams, or construction or fire wood, will be punished with one to six months imprisonment.

A penalty of three months to one year imprisonment will be applied to whoever sets fire to empty or loaded road vehicles.

Whoever sets fire to crops, whether harvested, in stacks, or on the field, provided that they do not belong to him, will be punished with one to three years imprisonment.

If these objects belong to him, or if he set the fire under the order of the owner, and thus wilfully causes a damage to another person, he will be punished with three months to one year imprisonment.

Art. 253. - In all the above mentioned cases, if arson results in loss of human life, the offender will be punished with three to ten years of forced labor.

He will be punished as a murderer if the homicide was intentional.

Art. 254. - Whoever destroys, damages or breaks agricultural implements, or animal enclosures, or huts of peasants, will be punished with two months to one year imprisonment, and a fine of fifty to one hundred tomans.

Art. 255. - Whoever, wilfully and unnecessarily, poisons or kills an animal belonging to the light beasts or the cattle of someone else, and whoever poisons fish belonging to someone else, and found in rivers, fisheries, pools and other similar places, will be punished with ten days to six months imprisonment, or a fine of six to fifty tomans.

Art. 256. - Whoever wilfully kills, poisons, or mutilates a domestic animal the meat of which may be eaten (other than those mentioned in article 255) and which belongs to someone else, will be punished with eight days to one month imprisonment, or a fine of six to fifteen tomans.

Art. 257. - Whoever wilfully destroys or damages, by any possible means, entirely or in part, buildings, ships, boats, stores, yards, factories, plants, or in general any inhabited place or a place serving as dwelling, or cars, railway cars, wagons, carts, or any other means of transportation, or roads, bridges, water mains which do not belong to him, will be punished with six months to two years imprisonment, and a fine of ten to two hundred tomans.

Art. 258. - When the infractions provided in the preceding article are carried out with the help of a bomb or another explosive device, the offender will be punished with two to five years of solitary confinement.

Art. 259. - Whoever, knowingly and by any possible means, burns or destroys registers, property papers, or other documents of the State, will be punished with two to ten years solitary confinement.

Art. 260. - Whoever, knowingly and by any possible means, burns or destroys trade papers and documents, or any other paper the destruction of which is detrimental to other persons, will be punished with one month to two years imprisonment, or a fine of thirty to three hundred tomans, or the two penalties combined.

Art. 261. - Any plunder, destruction, or damage to food, merchandize, or harvest, committed by gangs of three persons or more, with open force, will be punished with two to four years of solitary confinement.

Art. 262. - The following persons will be punished with eight days to three months imprisonment, or a fine of six to two hundred tomans:

- 1) Whoever supplies as fodder the harvest of another person,

or damages vineyards, orchards, or palm trees that do not belong to him, or causes to wilt the vineyards, fruit trees, or date trees belonging to someone else, either by cutting off the water which was to supply them, or by any other means;

- 2) Whoever cuts down or harvests the crops of another person;
- 3) Whoever wilfully melts the ice found in somebody else's icebox;
- 4) Whoever wilfully causes the breakdown of bath or mills belonging to another person.

Art. 263. - If the infractions provided under 1) of the preceding article are committed at night time by three individuals or more, and at least one of them is carrying arms, the penalty will be one to three years imprisonment.

CHAPTER XIII.

VIOLATION OF DOMICILE AND PROPERTY.

Art. 264. - Whoever wilfully changes or suppresses the boundary existing between various properties will be punished with eight days to two months imprisonment, or a fine of six to thirty tomans.

If the offender commits this infraction in order to get hold illegally of land belonging to someone else, either for his own profit or for the profit of a third party, he will be punished with six months to two years imprisonment, and a fine of ten to thirty tomans.

Art. 265. - Whoever enters by violence an enclosed real estate owned by someone else will be punished with twenty days to three months imprisonment or a fine of twenty to two hundred tomans.

The penalty will be eight days to one month imprisonment if the estate is not enclosed.

If the offender originally entered without any violence, and then, ordered by the owner to leave the estate, remained there with the use of violence, he will be punished with twenty days to six month imprisonment, and a fine of ten to one hundred tomans, whether the estate is enclosed or not.

If the infraction is committed by two or more individuals, at least one of whom carrying arms, or by more than three individuals, even if they are not armed, the penalty will be six months to two

years imprisonment, and a fine of fifty to five hundred tomans.

Art. 266. - Whoever enters by violence or threat the domicile or dwelling of another person will be punished with two months to one year imprisonment.

If the infraction is committed by two or more individuals of whom one at least carrying arms, or by more than three individuals even without arms, the penalty will be three months to two years imprisonment.

Art. 267.- If the infractions provided in the two preceding articles are committed during night time, the offender will be punished with the maximum prescribed penalty.

Art. 268. - Whoever takes possession, using violence, of a real estate belonging to someone else, will be punished with one to three years imprisonment.

CHAPTER XIV.

SLANDER, OUTRAGES

Art. 269. - A slanderer is a person who, in printed or written texts, or through publication of posters or above mentioned texts, or by speech made during meetings, attributes formally to one or several individuals actions considered as offences or crimes, provided however that he cannot prove their truth.

Art. 270. - No penalty will be applied to the author of such an attribution if he proves before a competent court the truth of the attributed actions; otherwise he will be declared a slanderer.

Art. 271. - If the author of the attribution cannot prove the truth of the attributed actions, he will be declared a slanderer, and will be punished with one month to one year imprisonment, and a fine of twenty to fifty tomans, or one of these two penalties only.

Art. 272. Whoever satirizes someone in verses or in prose, and publishes these satirical writings, will be punished with eight days to one month imprisonment, or a fine of six to fifty tomans.

CHAPTER XV.

VAGRANCY , PUBLIC USE OF ALCOHOLIC DRINKS AND OTHER INTOXICATING PRODUCTS

Art. 273. - A vagrant is a person more than fifteen years of age, without any particular domicile, nor certain means of support, nor a determined profession or trade.

Vagrancy is a minor infraction of the law and its penalty is determined in accordance with Part IV.

Art. 274. - A vagrant who is the subject of a foreign country will be expelled from the Country by order of the Government.

Art. 275. - Whoever uses intoxicating drinks in public, or smokes opium or opium "chiré" (deposit left by opium in the bowl of the opium pipe, prepared by special methods for a second smoking), takes morphine, "bangué" or "Tchars" (substances derived from hashish), will be punished with eight days to three months imprisonment, or a fine of ten to fifty tomans.

PART IV.

MINOR INFRACTIONS OF THE LAW AND THEIR PENALTIES

Art. 276. - Contraventions of all types, such as the failure to observe city regulations, police regulations, or regulations of public hygiene, regulations pertaining to coachmen, drivers, vagrancy, begging, guard of animals, use of insults or indecent terms in public places, and other similar facts, will be provided in a regulation prepared by the Ministry of Interior, with provisions which will become effective after the approval of the Ministry of Justice.

However the penalties prescribed by this regulation may not be less than one day imprisonment and a fine of three krans, nor more than one week imprisonment and a fine of five tomans.

PART V.

VARIOUS PROVISIONS

Art. 277. - In accordance to article 6 of the Code of Criminal Prosecution, specifying that the possibility of prosecuting certain infractions depends on the complaint of the plaintiff, the penal prosecution of the following infractions may begin only after the request of the plaintiff.

If the latter withdraws his complaint, the undertaken prosecution will be stopped, except if the offender has already been sentenced in the past for an offence or a crime.

If the plaintiff withdraws his complaint, he will be only able to bring in a civil action before the civil court only.

The above mentioned articles are the followed:

Article 173 paragraph 2, art. 174, art. 193 paragraph 2, art. 197, 207, 208, 209, 210, 213, 235, 244, 245, 246, 248, 254, 255, 256, 260, 262 (provided that the case does not fall into the category dealt with article 263), 264, 265 paragraph 2, 268, 271 and 272.

Art. 278. - Those who, in accordance to the provisions of the articles 152, 212, and 213, are sentenced to the payment of a fine to the State, or damages to the civil party, and do not pay the amount which they are sentenced to pay, will be sentenced, in compensation

for that amount, to three months to three years imprisonment.

Art. 279. - Any person who, before the approval and the publication of this law, committed an action that this law declares to be a crime or an offence, will be prosecuted and sentenced in accordance with the provisions of this law, provided that:

- 1) The action has not been prescribed by the provisions of the present law;
- 2) The Islamic Law prescribed a determined penalty for the said action.

Law of 8 Amordad 1306.

Single article. - The article 279 of the Penal Code, in fine, will not prevent the prosecution of persons guilty of homicide, embezzlement of public funds, or forgery, committed before the vote and the publication of the above mentioned code.

ADDITIONAL ARTICLE

Any Minister or any civil servant, whatever his position, who, by regulations, decrees voted in the Council of Ministers, circular letters, or any other type of written orders, or by the application of the said regulations, decrees, circular letters, or orders, and without an order issued by a superior, changes or interprets a law, or executes it in certain cases but fails to execute it in others, will be deprived for life from the right to be a civil servant.

End of the Penal Code

APPENDIX TO THE PENAL CODE

EXECUTIVE REGULATIONS ON ARTICLE 276 OF PENAL CODE PERTAINING TO THE DETERMINATION OF PENALTIES FOR MINOR INFRACTIONS OF THE LAW

CHAPTER I

CONTRAVENTIONS OF PUBLIC INTERESTS AND ORDER

First Category

Art. 1. - The following persons will be punished with one to two days imprisonment or a fine of three krans to one toman:

1) Those who contravene the rules and regulations established by the police or the city government within the limits of laws and approved by the competent authorities;

2) Those who neglect to obey the orders of officers in charge of traffic and order on public roads;

3) Those who are responsible for the repair and upkeep of chimneys and furnaces of factories, hotels, caravanserais or shops, and neglect their duty;

4) Those who ride mounted on sidewalks, or have their mounts or animals ride on them;

5) Those who set off fireworks in public roads or private places without a duly obtained authorization, and those who shoot in places where shooting is forbidden;

6) The directors of hotels, the innkeepers and all other individuals who are supposed to upkeep lights according to the regulations, and fail to do so;

7) Those who spread out on the sidewalks or public roads objects which prevent the flow of traffic or which at any rate occupy part or all of the sidewalk or the road.

NOTE. - This provision does not apply to stands of vehicles which depend on the regulations on traffic;

8) Those who, despite the orders of competent authorities, fail to take necessary measures for the demolition or repairs of buildings threatening to collapse;

9) Those who deposit on their balconies, before their dwellings, or in any place opening on the public road, objects which may endanger people by falling;

10) Those who draw any lines on the walls of public roads, private places, or houses or private persons, and deface them. The same

applies to those who, despite the opposition of the owner, insist to remain before the door or to sit on the platforms of other people's houses;

11) Those who exhibit on the public road any instruments or tools which might serve offenders;

12) Those who, even with the authorization of the city government, dig wells or other similar excavations, or open existing wells, without lighting them up and providing them with fences in order to attract the attention of the passers-by;

13) Those who are supposed to cover pools and water pipes situated on public roads and fail to do so;

14) Those who illegally pick fruit from trees belonging to other people, or who climb these trees, or cut the branches of these trees or trees situated in public roads;

15) Those who illegally cross cultivated land, or land prepared for culture, either on foot, or on a mount, or on carts or on any other vehicle; those who damage trees planted in public roads or belonging to other people, even if these damages are caused by their mounts or draught animals, but with the exception of cases where it would be impossible to prevent this occurrence;

16) Those who do not prevent their herds, their mounts or their draught animals from crossing fields where the crops are not yet removed;

17) Those who create uproars, noise, or shouting disturbing the peace of the public, or participate in the uproar, noise or shouting even if they do so to sell their wares. The same applies to those who would howl on the public road, or will show a state of drunkenness;

18) Those who, without a ticket, enter places where a ticket is required, such as railway cars, spectacles, and similar places, as well as those who, despite the absence of available space, insist to enter these places or to get in a means of public transportation;

19) Drivers of means of transportation, such as railway cars, streetcars, cars, buses, or others, who sell tickets or accept passengers beyond the limits, or who ask from the passengers a price exceeding the usually applied price of tickets. The same applies to directors of public spectacles who sell more tickets than there are seats;

20) Those who are in charge of minor children and who neglect their duty, if as the result of this negligence, the said children, by shouting, noise or other means, disturb the peace of others or commit infractions or actions which might endanger themselves and others;

21) Those who carry on their heads or shoulders a load heavier than the usual load;

22) Those who commit after midnight an action which might disturb the peace of others, except for actions related to religious

ceremonies or national traditions.

Second Category

Art. II. - The following persons will be punished with three to five days imprisonment or a fine of eleven to thirty ~~krans~~ ~~krans~~:

1) Managers of hotels, inns, and other public accommodations who, despite the regulations, do not record the name of the person staying overnight, with the indication of the date of arrival and departure, in special registers, and who do not show these registers on dates determined by the regulations, or refuse to show them in cases where they are asked to do so by competent officials;

2) Cart drivers, coachmen, and any other person leading draught animals or mounts, who, while in charge of these animals, does not watch them, or who occupies more than a half of the public road during his stops, or who stops in front of cars or other vehicles;

2) Those who let draught animals and mounts run freely, or do not prevent them from running freely, in public roads and inhabited places, as well as those who contravene the regulations on the quantity and nature of loads, the speed of means of transportation, the way of driving the latter, and the path they must follow.

The same applies to those who knowingly are mounting wild animals;

4) Owners of public means of transportation (streetcars, cars, buses and other similar vehicles) who do not exhibit within their vehicle a special indication of the number of seats and the price of each one;

5) Those who without any authorization are involved in any lottery, as well as those who, in public roads or squares, or on roofs, engage in the games of heads or tails, dice, eggs, or other similar games;

6) Those who are responsible for the guard of insane people or ferocious animals, and who let them loose, or those who sick dogs or other harmful animals against other people, even if no damage nor loss occurred as the result of this action;

7) Those who throw stones, other hard objects, or garbage against buildings, windows, gardens, or enclosed land belonging to other people, as well as those who throw uncautiously hard objects or dirty objects against another person;

8) Those who made their herds, draught animals, beasts of burden, or mounts, cross a seeded land or a field covered with the crops, or let the above mentioned animals cross it;

9) Those who refuse to accept good and right currency which is the legal tender in the country;

10) Pedlars and other sellers of printed matter who will be

prosecuted before the court according to the article 25 of the law on the press;

11) Those who exhibit for sale rotten food or merchandise together with healthy merchandise;

12) Pedlars, second-hand dealers, and any other persons who buy some object from unknown persons without having asked for a guarantee, or who buy objects from children without understanding;

13) Those who carry out the profession of second-hand dealer without having special licenses and registers;

14) Those who cross the land of other persons without being entitled to do so at the time of the harvest or when fruit is ripe.

Third Category

Art. III. - The following persons will be punished with five days to one week imprisonment, or a fine of 31 to 50 Krans:

1) Those who are in charge of insane persons, or ferocious or harmful animals, and let them loose, or make them run at high speeds or at a speed contrary to the regulations, or those who overload the transportation means, or draught animals, beasts of burden, or mounts, and thus cause the loss or the wounding of animals or beasts belonging to other people;

2) Those who as a result of their lack of caution or awkwardness in the use of arms, or as a result of throwing stones or other hard objects, cause the loss of animals belonging to other people, or wound them;

3) Those who leave in a state of ruin their dwellings or buildings, or fail to repair them, or dig ditches or other excavations, or build embankments and other obstacles on the roads, squares or public ways, or in their neighborhood, and thereby cause the loss or wounding of animals belonging to other people; provided, however, that they did not take the necessary precautions, nor placed the reglementary signals;

4) Those who keep false weighs or measures in their shop, store, or any other place where they carry out their profession;

5) Bakers, butchers and other salesmen of food, who demand prices exceeding the prices determined by the city government;

6) Those who use weighs and measures other than those determined by the law;

7) Those who illegally walt or tie animals or beasts on lawns, vineyards, palm gardens, gardens or other spaces planted with trees and belonging to other people;

8) Those who in any way damage the public roads;

9) Those who, without authorization, remove stones, soil, or other similar material, from public roads or public domain, except

insofar as it is customary;

10) Those who without provocation insult someone else, or coarsely and violently demand from a debtor the amount due to them, as well as those who in any way outrage someone else, provided that the actions that they commit are not those which are provided in Chapter XIV (Part III) of the Penal Code;

11) Those who engage in vagabondage and earn their living in this manner despite their wealth;

12) Those who prepare the means for the destruction or partial destruction of a means of public transportation.

CHAPTER II.

CONTRAVENTIONS OF CLEANLINESS AND PUBLIC HYGIENE.

First Category

Art. IV. - The following persons will be sentenced to one to two days imprisonment or a fine of three to ten Krans:

1) Those who are in charge of cleaning the public roads in localities where this is the responsibility of the inhabitants, and who do not keep the roads in a clean condition;

2) Those who place refuse in closed or open places;

3) Those who dirty the public roads by throwing liquid waste, smelling things or rotten products, or garbage;

4) Those who dirty the passers-by or their clothes by watering, sweeping, or removing snow, or throwing uncautiously some liquid, or any object;

5) Those who clean rugs or other dusty objects during day time or at night before the end of the traffic movement;

6) Those who exhibit for sale corrupt food or drinks.

Second Category

Art. V. - The following persons will be punished with three to five days imprisonment, or a fine of eleven to thirty krans:

1) Pharmacists and drugstore men who keep tainted drugs in their stores;

2) Owners or drivers of public transportation means who transport corpses in their vehicles;

3) Those who wash dishes or clothes in gutters or any other water facilities, or urinate in them, or throw there putrid matters, waste, stinking liquids, or water taken from pools and wells, or throw mud there or other similar substances;

4) Those who, without the authorization of the services of city hygiene, engage in the sale of liquids, drinks and/or food. The same applies to barbers who carry out their profession in their shops or in the baths without the permission of the services of city hygiene;

5) Those who throw sweepings, refuse, or mud, etc., in the neighborhood or before the door of someone else's house;

6) Those who contravene the regulations and rules on the public hygiene.

Third Category

Art. VI. - The following persons will be punished with five to seven days imprisonment, or a fine of thirty-one to fifty krans:

1) Drugstore men, pharmacists and grocers who contravene the rules and regulations concerning hygiene;

2) Those who, inside cities, carry out professions or occupations producing fetid smells, or who burn there substances producing such smells, as for example bones, resin, etc.;

3) Persons in charge of slaughterhouses, washing of corpses, or cemetery services, who do not observe the rules relative to hygiene.

CHAPTER III

CONTRAVENTIONS OF MORALITY AND PUBLIC DECENCY.

First Category

Art. VII. - The following persons will be punished with one to two days imprisonment or a fine of three to ten krans:

1) Those who, in high places, engage in the games of kite and flying pigeons, and those who engage in swimming in public baths;

NOTE. - A noiseless swimming performed by a single person is not forbidden;

2) Merchants and shopkeepers who invite the clients with insistence and coarse manners;

3) Those who tangle on public roads, or say indecent words, or sing, or shout;

4) Those who throw indecrete glances into the houses of other people above the roofs, walls or other similar protecting devices.

Second Category

Art. VIII. - The following persons will be punished with three to five days imprisonment, or a fine of eleven to thirty krans:

- 1) Those who make publicly indecent jokes;
- 2) Those who publicly exhibit photographs, pictures and other similar objects of indecent nature.

Third Category

Art. IX. - The following persons will be punished with five to seven days imprisonment, or a fine of thirty-one to fifty krans:

Those who form gatherings around them, or walk, or open a shop in order to engage in the prediction of the future by the means of magic signs or the interpretation of dreams, in witchcraft, in the evocation of evil spirits, in prophesying by the means of sheep bones, in cabalistic science, in the activity of a seer, or in other similar undertakings.

The same applies to those who, in public roads, squares and places, give performances or engage in activities contrary to the provisions of religion and incompatible with the demands of civilization.